

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

MAR 15 2018

U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHILIP D. DEAN,

Defendant.

4:18CR220 ERW/DDN

INDICTMENT

The Grand Jury charges that:

The Defendant

1. At all times relevant to this Indictment, defendant Philip D. Dean was a resident of Warren County, Missouri. Defendant was a licensed medical doctor who maintained a medical office in Warren County, Missouri.

2. Defendant often treated patients for complaints of pain at his medical office. Defendant dispensed prescription drugs that contained controlled substances to a large percentage of his patients, including narcotic opioid pain relief drugs such as Oxycodone®, Hydrocodone, and Duragesic® (fentanyl in a transdermal skin patch format).

3. Defendant also prescribed Subsys® to some of his patients. Subsys® contains fentanyl, an opiate narcotic, and is an immediate release transmucosal drug provided to patients in a spray bottle format. On July 29, 2014, Dr. Dean signed a form that enabled him to prescribe Subsys®, and as part of that form certified that he understood that Subsys® was only indicated for the management of break-through pain for patients with cancer.

4. Defendant had personal relationships with several women, including R.W., C.H., and L.R. For some time periods, defendant lived with R.W., C.H., and L.R. While engaging in these personal relationships, defendant also prescribed drugs containing controlled substances to these three women, including Oxycodone®, Hydrocodone, Adderall®, Duragesic®, Subsys®, and Codeine. Defendant's medical files for these three women are incomplete and inaccurate.

5. Regarding R.W., defendant employed her in his medical office, and also paid her bail and some other expenses related to driving while intoxicated criminal cases that were brought against her. R.W. has a history of substance abuse problems, including a July 18, 2015 hospital admission related to substance abuse. R.W. is related to E.W., and defendant wrote some controlled substance prescriptions for R.W. using E.W.'s name. Defendant repeatedly paid for the "co-payment" amounts at pharmacies for some of the controlled substance prescriptions that he wrote for R.W. in her own name or in E.W.'s name, and he sometimes personally picked up these drugs from the pharmacy for R.W. R.W. does not have cancer, but Dr. Dean repeatedly prescribed Subsys® to her, causing Medicaid to pay approximately \$213,000 for this improperly prescribed Subsys®.

6. Regarding C.H., defendant exchanged text and Facebook messages with her, including some with sexual content regarding underwear and photographs, during the same time periods that he was prescribing controlled substances to her. One of his medical "examinations" of C.H. occurred at a restaurant in Kansas City, Missouri.

7. Regarding L.R., defendant employed her for various jobs, and paid bail expenses for her in a criminal case that was pending against her.

Health Care Benefit Programs

8. The Medicare program and the Missouri Medicaid program are federally-funded health care benefits programs within the meaning of 18 U.S.C. § 24(b). Medicare and Missouri Medicaid are public plans that affect commerce under which medical benefits, items, and services are provided to elderly and low-income individuals.

Counts 1-4 – False Statements to Health Care Benefit Program

9. Paragraphs 1 through 8 are incorporated by reference, as if fully set forth herein.

10. On or about the dates indicated below, in Warren County, Missouri, in the Eastern Division of the Eastern District of Missouri, and elsewhere,

PHILIP D. DEAN,

the defendant herein, knowingly and willfully made and used materially false writings and documents, knowing the same to contain materially false, fictitious, and fraudulent statements and entries, in connection with the delivery of and payment for health care benefits, items, and services involving health care benefit programs as defined in 18 U.S.C. § 24(b), in violation of 18 U.S.C. § 1035, in that the defendant falsely stated and represented in prescriptions that he was prescribing drugs to E.W. on or about certain dates, when the defendant then and there well knew said statements and representations were false, fictitious, and fraudulent, as the drugs were intended for and ultimately consumed by R.W.

COUNT	DATE OF OFFENSE	DRUG	PRESCRIBED FOR	HEALTH CARE BENEFIT PROGRAM
1	January 13, 2016	Hydrocodone with Acetaminophen 10-325	E.W.	Medicare
2	February 9, 2016	Oxycodone HCL 20 mg	E.W.	Medicare

3	February 21, 2016	Hydrocodone with Acetaminophen 10-325	E.W.	Medicare
4	March 7, 2016	Oxycodone HCL 20 mg	E.W.	Medicare

All in violation of Title 18, United States Code, Sections 1035(a)(2) and 2.

COUNT 5

Distribution of drugs without a legitimate medical purpose (21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

11. The United States adopts paragraphs 1-8 and as for paragraph 11.

12. On or about July 22, 2015, in Warren County, within the Eastern Division of the Eastern District of Missouri and elsewhere, the defendant, Philip D. Dean, did knowingly, intentionally, and unlawfully distribute and dispense Subsys®, a Schedule II controlled substance that contains fentanyl, outside the scope of professional practice and not for a legitimate medical purpose, to a patient with the initials R.W., in violation of 21 U.S.C. § 841(a)(1), 21 U.S.C. § 841(b)(1)(C), and 18 U.S.C. § 2.

COUNT 6

Distribution of drugs without a legitimate medical purpose (21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

13. The United States adopts paragraphs 1-8 and as for paragraph 13.

14. On or about February 21, 2016, in Warren County, within the Eastern Division of the Eastern District of Missouri and elsewhere, the defendant, Philip D. Dean, did knowingly, intentionally, and unlawfully distribute and dispense Hydrocodone, a Schedule II controlled substance, outside the scope of professional practice and not for a legitimate medical purpose, to a patient with the initials R.W., in violation of 21 U.S.C. § 841(a)(1), 21 U.S.C. § 841(b)(1)(C), and 18 U.S.C. § 2.

COUNT 7

**Distribution of drugs without a legitimate medical purpose
(21 U.S.C. §§ 841(a)(1) and (b)(1)(C))**

15. The United States adopts paragraphs 1-8 and as for paragraph 15.

16. On or about March 31, 2017, in Warren County, within the Eastern Division of the Eastern District of Missouri and elsewhere, the defendant, Philip D. Dean, did knowingly, intentionally, and unlawfully distribute and dispense Codeine, a Schedule III controlled substance, outside the scope of professional practice and not for a legitimate medical purpose, to a patient with the initials C.H., in violation of 21 U.S.C. § 841(a)(1), 21 U.S.C. § 841(b)(1)(E)(2), and 18 U.S.C. § 2.

COUNT 8

**Distribution of drugs without a legitimate medical purpose
(21 U.S.C. §§ 841(a)(1) and (b)(1)(C))**

17. The United States adopts paragraphs 1-8 and as for paragraph 17.

18. On or about July 26, 2017, in Warren County, within the Eastern Division of the Eastern District of Missouri and elsewhere, the defendant, Philip D. Dean, did knowingly, intentionally, and unlawfully distribute and dispense Lorazepam (sometimes marketed as Ativan®), a Schedule IV controlled substance, outside the scope of professional practice and not for a legitimate medical purpose, to a patient with the initials L.R., in violation of 21 U.S.C. § 841(a)(1), 21 U.S.C. § 841(b)(1)(E)(2), and 18 U.S.C. § 2.

A TRUE BILL.

FOREPERSON

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